

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 OCT 19 P 3:17

UNITED STATES)

v.)

CHO, JING)

Case No. 03-CR-10401-RWZ

U.S. DISTRICT COURT
DISTRICT OF MASS.

JOINT MOTION TO CONTINUE SENTENCING DATE

The parties hereby jointly move: (1) to continue the date of the sentencing of defendant Jing Cho from Thursday, October 21, 2004 to a date after November 1, 2004 or a date thereafter convenient to the Court. As grounds therefore, the parties state as follows:

1. The defendant pleaded guilty to a one count Information in this case pursuant to a plea agreement that affords him the opportunity to cooperate with the government.
2. Defendant's cooperation in this case might include testimony at the Sentencing Hearing of Kam Wai Chui, who was charged in a separate Indictment currently pending in this district United States v. Kam Wai Chu, Cr. No. 03-CR-10396-NG.
3. Mr. Chui's sentencing is scheduled for November 1, 2004. It is unknown whether Mr. Chui contests certain conduct which may affect his sentence, in which case the government might be required to offer substantial evidence at his sentencing, including the testimony of Mr. Cho.

4. The U.S. Attorney's Office will not be in a position to evaluate whether and to what extent to recommend a downward departure pursuant to U.S.S.G. § 5K1.1 until the defendant has testified.

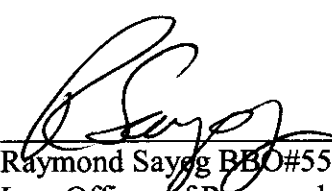
6. Accordingly, the parties respectfully request that the Court continue the sentencing in this case until the week of October or a date thereafter convenient to the Court so that the government will be in a position to evaluate Defendant's cooperation prior to his sentencing.

Respectfully submitted
MICHAEL L SULLIVAN
United States Attorney

By:


JONATHAN F. MITCHELL
Assistant U.S. Attorney

DATED: October 19, 2004


Raymond Sayeg BBO#555437
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CERTIFICATE OF SERVICE

I, Raymond Sayeg, do hereby certify that on this 19th day of October, 2004 a true copy of the foregoing Joint Motion to Continue Sentencing Date was served by first class mail, postage prepaid upon counsel for the government, Jonathon F. Mitchell, United States Attorney's Office, One Courthouse Way, Suite 9200, Boston, MA 02210, as well as United States Probation Officer, Jesse Gomes.


Raymond Sayeg